

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA**

COMPLAINT

NOW COMES Plaintiff, ANN FELLOWS ("Plaintiff"), by and through her attorneys, alleges the following against Defendant, UMA EDUCATION INC. d/b/a ULTIMATE MEDICAL ACADEMY, ("Defendant"):

Nature of the Action

1. This action is brought by Plaintiff pursuant to the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227 *et seq.*

Parties

2. Plaintiff Ann Fellows is a natural person residing in Erie, Pennsylvania.
3. Defendant is a business entity located in Florida.
4. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives and insurers.

Jurisdiction and Venue

5. Jurisdiction of this court arises pursuant to 28 U.S.C. § 1331 and 47 U.S.C. § 227.

6. Venue is proper pursuant to 28 U.S.C. § 1331(b)(2) as the acts and transactions giving rise to this action occurred in this district as Plaintiff resides in this district and Defendant transacts business in this district.

Factual Allegations

7. In or around November 2015, Defendant began placing telephone calls to Plaintiff at telephone number (814) 397-26xx, which is Plaintiff's cellular telephone number.

8. Defendant places calls to Plaintiff using multiple telephone numbers, including, but not limited to: (813) 496-7680, (813) 559-1352, (813) 676-6153, (813) 496-7684, (813) 676-6088, (813) 676-4701, (813) 386-3072, (813) 676-6106, (813) 387-7591, (813) 676-5681, (813) 388-4979, and (813) 386-3078.

9. Upon information and good faith belief, based on the frequency, number, nature and character of these calls, Defendant used an automatic telephone dialing system or other equipment capable of storing and/or producing telephone numbers ("auto dialer") to call Plaintiff.

10. These calls were solicitations to promote admissions at Ultimate Medical, and were attempts to persuade Plaintiff to sign up for government grants and online classes.

11. These calls were not for emergency purposes.

12. Plaintiff never gave consent for Defendant to place these calls.

13. In or around January 2015, Plaintiff received a call from Defendant and spoke with an individual identifying herself as Lori Nelson.

14. Plaintiff instructed Defendant that she was not interested in Defendant's services.

15. In or around March 2015, Plaintiff received another call from Defendant and spoke with an individual providing the name Ranell.

16. Ranell stated that she was following up with Plaintiff's prior conversation with Lori; Plaintiff again stated that she was not interested.

17. Defendant called Plaintiff's cell phone multiple times in a single day.

18. Despite Plaintiff's repeated requests to cease, Defendant continue to place at least at least fifty-nine (59) calls to Plaintiff.

19. Plaintiff is annoyed and feels harassed by Defendant's repeated calls to her cellular telephone which continued despite the fact she told Defendant that she was not interested and never consented to the calls in the first place.

CLAIM FOR RELIEF
Telephone Consumer Protection Act

20. Defendant's actions alleged *supra* constitute numerous negligent violations of the TCPA, entitling Plaintiff to an award of \$500.00 in statutory damages for each and every violation pursuant to 47 U.S.C. § 227(b)(3)(B).

21. Defendant's actions alleged *supra* constitute numerous and multiple knowing and/or willful violates of the TCPA, entitling Plaintiff to an award of \$1500.00 in statutory damages for each and every violation pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

WHEREFORE, Plaintiff prays that judgment be entered against Defendant for the following:

- (1) Statutory damages of \$500.00 for each and every negligent violation of the TCPA pursuant to 47 U.S.C. § (b)(3)(B);
- (2) Statutory damages of \$1500.00 for each and every knowing and/or willful violation of the TCPA pursuant to 47 U.S.C. § (b)(3)(b) and 47 U.S.C. § (b)(3)(C);
- (3) All court costs, witness fees and other fees incurred; and

(4) Awarding such other and further relief as may be just, proper and equitable.

Respectfully submitted,

Dated: August 5, 2016

/s/ Adam T. Hill
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